

**ENTERED**

June 27, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROBERT NAJAR, III, §  
§  
Petitioner, §  
V. § CIVIL ACTION NO. 2:23-CV-00015  
§  
WARDEN COX, §  
§  
Respondent. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Mitchell Neurock's Memorandum and Recommendation ("M&R"). (D.E. 14). The M&R recommends that the Court deny Petitioner's motion for stay and abeyance as moot, because the motion was filed after final judgment had already been entered. *Id.* at 5. Alternatively, should the Court construe Petitioner's motion for abeyance as a motion to alter or amend the judgment under Rule 59(e), the M&R recommends that the Court deny Petitioner's motion. *Id.*

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R.<sup>1</sup> *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly

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<sup>1</sup> Plaintiff's mail was returned as undeliverable. Since then, the Court has waited an appropriate amount of time for an updated address. As a party, Plaintiff is required to keep the Court apprised of his current address at all times and has failed to do so.

erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety, (D.E. 14), and, for the reasons stated in the M&R, **DENIES as moot** Petitioner's motion, (D.E. 13).

SO ORDERED.



DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
June 26, 2023